Anno Regni CAROLI II. REGIS

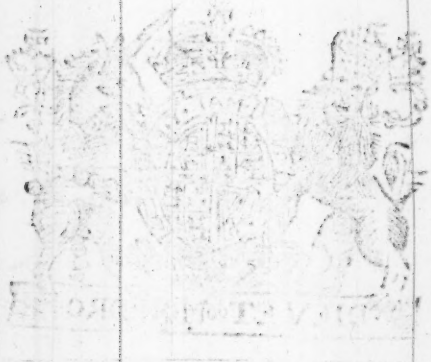
Angliæ, Scotiæ, Franciæ & Hiberniæ, TRICESIMO.

At the *Parliament* begun at *Weſtminſter* the Eighth of *May*, *Anno Dom.* 1661. In the Thirteenth Year of the Reign of our Sovereign Lord CHARLES, by the Grace of God, of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, &c.

And by ſeveral Prorogations and Adjournments there continued to the 30th day of *November* in the 30th Year of His Majeſties Reign, on which day the following Act paſſed the Royal Aſſent.

LONDON,
Printed by *John Bill*, *Chriſtopher Barker*, *Thomas Newcomb*, and *Henry Hills*, Printers to the Kings moſt Excellent Majeſty, 1678.

CUM PRIVILEGIO.



Anno XXX

Caroli II. Regis.

An Act for the more effectual Preserving the Kings Person and Government, by Disabling Papists from Sitting in either House of Parliament.

FOrasmuch as divers good Laws have been made for Preventing the Increase and Danger of Popery in this Kingdom, which have not had the desired Effects, by reason of the free access which Popish Recusants have had to His Majesties Court, and by reason of the Liberty which of late some of the Recusants have had

and taken to Sit and Vote in Parliament:

Wherefore, and for the Safety of his Majesties Royal Person and Government, Be it Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the First day of December, which shall be in the year of our Lord God, One thousand six hundred seventy and eight, no Person that now is, or hereafter shall be a Peer of this Realm, or Member of the House of Peers, shall Vote, or make his Proxy in the House of Peers, or Sit there during any Debate in the said House of Peers; Nor any person that now is, or hereafter shall be a Member of the House of Commons, shall Vote in the House of Commons, or Sit there during any Debate in the said House of Commons, after their Speaker is chosen, until such Peer or Member shall from time to time respectively, and in manner following, first take the several Oaths of Allegiance and Supremacy, and make, subscribe, and audibly repeat this Declaration following;

I *A. B.* do Solemnly and Sincerely in the presence of God, Profess, Testifie, and Declare, *That I do believe that in the Sacrament of the Lords Supper, there is not any Transubstantiation of the Elements of Bread and Wine, into the Body and Bloud of Christ, at or after the Consecration thereof, by any person whatsoever: And that the Invocation, or Adoration of the Virgin* Mary, *or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of* Rome, *are Superstitious and Idolatrous.* And I do Solemnly in the presence of God, Profess, Testifie, and Declare, That I do make this Declaration, and every part thereof, in the plain and ordinary sence of the Words read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted me for this purpose by the Pope, or any other Authority or Per-

ſon whatſoever, or without any hope of any ſuch Diſpenſation from any Perſon or Authority whatſoever, or without thinking that I am, or can be Acquitted before God or Man, or Abſolved of this Declaration, or any part thereof, although the Pope, or any other Perſon or Perſons, or Power whatſoever, ſhould Diſpence with, or Annul the ſame, or Declare that it was Null and Void from the beginning.

Which ſaid Oaths and Declaration ſhall be in this and every ſucceeding Parliament ſolemnly and publickly Made and Subſcribed between the hours of Nine in the Morning and Four in the Afternoon, by every ſuch Peer and Member of the Houſe of Peers, at the Table in the middle of the ſaid Houſe, before he take his Place in the ſaid Houſe of Peers, and whilſt a full Houſe of Peers is there with their Speaker in his Place; and by every ſuch Member of the Houſe of Commons, at the Table in the middle of the ſaid Houſe, and whilſt a full Houſe of Commons is there duely Sitting with their Speaker in his Chair; and that the ſame be done in either Houſe in ſuch like Order or Method, as each Houſe is called over by reſpectively.

And

And be it further Enacted, That from and after the ſaid Firſt day of December, every Peer of this Realm, and Member of the Houſe of Peers, and every Peer of the Kingdom of Scotland, or of the Kingdom of Ireland, being of the Age of One and twenty years or upwards, not having Taken the ſaid Oaths, and Made and Subſcribed the ſaid Declaration; and every Member of the ſaid Houſe of Commons, not having as aforeſaid Taken the ſaid Oaths, and Made and Subſcribed the ſaid Declaration; and every Perſon now, or hereafter Convicted of Popiſh Recuſancy, Who hereafter ſhall at any time after the ſaid Firſt day of December, come adviſedly into, or remain in the preſence of the Kings Majeſty, or Quæns Majeſty, or ſhall come into the Court or Houſe where they or any of them reſide, as well during the Reign of his preſent Majeſty (Whoſe Life God long preſerve) as during the Reigns of any his Royal Succeſſors Kings or Quæns of England, ſhall incur and ſuffer all the pains, penalties, forfeitures and diſabilities in this Act mentioned or contained, unleſs ſuch Peer, Member, or Perſon ſo Convicted, do reſpectively in the next Term after ſuch his coming or remaining, Take the ſaid Oaths, and Make and Subſcribe the ſaid Declaration in his Majeſties High Court of Chancery, betweén the hours of Nine and Twelve in the Forenoon.

And

And be it further Enacted by the Authority aforeſaid, That if any Perſon that now is, or hereafter ſhall be a Peer of this Realm, or Member of the Houſe of Peers, or Member of the Houſe of Commons, ſhall preſume to do any thing contrary to this Act, or ſhall offend in any of the Caſes aforeſaid, That then every ſuch Peer and Member ſo offending, ſhall from thenceforth be deemed and adjudged a Popiſh Recuſant Convict to all intents and purpoſes Whatſoever, and ſhall forfeit and ſuffer as a Popiſh Recuſant Convict, and ſhall be diſabled to hold or execute any Office or Place of Profit or Truſt, Civil or Military, in any of His Majeſties Realms of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or in any of His Majeſties Iſlands or Foreign Plantations to the ſaid Realms belonging; and ſhall be diſabled from thenceforth to Sit, or Vote in either Houſe of Parliament, or make a Proxy in the Houſe of Peers, or to Sue or Uſe any Action, Bill, Plaint or Information in courſe of Law, or to proſecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor, or Adminiſtrator of any perſon, or capable of any Legacy or Deed of Gift; and ſhall forfeit for every Wilful Offence againſt this Act, the ſum of Five hundred pounds, to be recovered and received by him or them that ſhall Sue for the ſame; and to be proſecuted by any Action

on

on of Debt, Suit, Bill, Plaint or Information in any of His Majesties Courts at Westminster, where no Essoign, Protection, or Wager of Law shall lie.

And be it further Enacted by the Authority aforesaid, That from the said First day of December, it shall and may be lawful to and for the house of Peers, and house of Commons, or either of them respectively, as often as they or either of them shall see occasion, either in this present Parliament, or any other hereafter to be holden, to Order and Cause all, or any of the Members of their respective Houses of Parliament, openly in their respective Houses of Parliament, to Take the said Oaths, and to Make and Subscribe the said Declaration at such times, and in such manner as they shall appoint. And if any Peer shall contrary to such Order made by their said house, Wilfully presume to Sit therein, Without Taking the said Oaths, and Subscribing the said Declaration, according to the said Order, Every such Peer or Member of the house of Peers, so presuming to Sit, shall be adjudged, and is hereby declared to be uncapable and disabled in Law to all intents and purposes whatsoever, to Sit in the said house of Peers, and give any Voice therein, either by Proxy, or otherwise howsoever, during that Parliament. And if any Member or Members of the house of Commons, shall contrary to such Order made by their

House, Wilfully presume to Sit therein, Without Taking the said Oaths, and Making and Subscribing the said Declaration, Every such Member or Members of the House of Commons, so presuming to Sit, shall be adjudged, and is hereby declared to be uncapable, and disabled in Law, to all intents and purposes whatsoever, to Sit in the said House of Commons, or give any Voice therein during that Parliament.

And be it Enacted, That in every case where any Member or Members of the House of Commons shall by virtue of this Act be disabled to Sit or Vote in the House of Commons, Then, and in every such case, Without any further Conviction, or other Proceeding against such Member or Members, the Place or Places for which they or any of them were Elected, is hereby declared Void, and a new Writ or Writs shall Issue out of the High Court of Chancery, by Warrant or Warrants from the Speaker of the House of Commons for the time being, and by Order of the said House, for the Election of a new Member or Members, to Serve in the House of Commons, in the Place or Places of such Member or Members so disabled, to all intents and purposes, as if such Member or Members were naturally dead.

And be it further Enacted by the Authority aforesaid, That from and after the

the First day of December, One thouſand ſix hundred ſeventy and eight, every Perſon then being, and who after that time ſhall be a Sworn Servant to the Kings or Queens Majeſty, not having before that time duely Taken the Oaths, and Made and Subſcribed the Declaration contained in an Act Entituled, An Act for Preventing Dangers which may happen from Popiſh Recuſants, ſhall Take the ſaid Oaths, and Make and Subſcribe the Declaration before expreſſed, in his Majeſties High Court of Chancery, in the manner aforeſaid, either in the next Term after the ſaid First day of December, or in the next Term after any ſuch Perſon ſhall be ſo Sworn a Servant, or in caſe of Lawful Impediment by Sickneſs, proved upon Oath, and allowed to be ſuch, under the hand of the Lord Chancellor, or Lord Keeper for the time being, then in the next Term after ſuch Impediment removed; And if any ſuch Perſon ſhall refuſe or neglect to do the ſame, and yet after ſuch refuſal or neglect, ſhall adviſedly come into, or remain in the preſence of the Kings or Queens Majeſty, or ſhall come into the Court or Houſe where they or any of them reſide, as well during the Reign of his preſent Majeſty, as during the Reigns of his and their Royal Succeſſors, Kings or Queens of England, and every of them, Every ſuch Perſon ſhall be diſabled to hold any

Place

Place as such Sworn Servant, and shall incur and suffer all the Pains, Penalties, Forfeitures and Disabilities in this Act mentioned or contained.

Provided, That nothing in this Act shall relate to, or have any effect upon any person being a Natural born Subject of the King of Portugal, Who now is, or hereafter shall be a Sworn Servant to the Queens Majesty, not exceeding Nine in number at any one time; nor to such Women-Servants as her Majesty shall under her Hand and Seal from time to time for that purpose be pleased to nominate, the said Women-Servants so nominated, not exceeding the number of Nine at any one time.

And be it Enacted, That during the time of Taking of the said Oaths, and Making and Subscribing the said Declaration, All other Matters and Proceedings, as well in the said Houses of Parliament, as in the said Court, shall cease; And the said Oaths, Declaration, and Subscription, together with a Schedule of the Names of the persons who shall by virtue of this Act Take and Subscribe the same, shall be Made, Entred, and Filed in Parchment Rolls from time to time, duly provided for that purpose by the Clerk of the House of Lords, and the Clerk of the House of Commons, and by the Clerk of the Petty-bag in Chancery, for the several and respective uses as aforesaid;

said; and none of the Peers or Members shall give or pay any Fee or Reward to any such Clerk, above the sum of Twelve pence for the Entry of his Taking the said Oaths, and Making and Subscribing the said Declaration: All which Rolls respectively the said Clerks are hereby required from time to time, without any Fee or Reward, to shew to any person desiring to look upon the same; And the said House of Peers, and House of Commons, and Court of Chancery, are hereby severally impowred and required in the first place, all other Business laid aside, to Administer the said Oaths, Declaration, and Subscription respectively, as occasion shall be from time to time, to all and every the person and persons aforesaid, duly demanding the same, according to the directions, purport, and meaning of this present Act.

Provided always, That this Act, nor any thing herein contained, shall extend to the prejudice of any person for coming into, or remaining in the presence of the King or Queens Majesty, who shall first have License so to do, by any Warrant under the Hands and Seals of Six or more Privy Counsellors, by Order of his Majesties Privy Council, upon some urgent occasion therein to be expressed, so as such License exceed not the space of Ten days, and that the said License be first Filed and put upon Record in the Office of the Petty-bag in Chancery, for

any body to view without Fee or Reward, and no person be Licensed for above the number of Thirty days in any one year.

Provided nevertheless, That if any Offender contrary to this Act, shall at any time after such Offence Take the said Oaths, and Make and Subscribe the said Declaration in his Majesties High Court of Chancery, and in the manner aforesaid, Every such person shall be from thenceforth Freed and Discharged of and from all Seizures, Penalties, and Losses which he might otherwise sustain or bear for or by reason of being a Popish Recusant Convict by virtue of this Act; and shall be Freed and Discharged from all Disabilities and Incapacities incurred thereby, so as such Freedom and Discharge extend not to restore any such person to any Office or Place filled and supplied upon voidance by this Act, nor to any other Office, till after the expiration of One year, from the Taking the said Oath and Making the Declaration aforesaid, nor to make Void, or at any time Discharge the said Forfeiture of Five hundred pounds, incurred as aforesaid.

Provided always, That nothing in this Act contained, shall extend to His Royal Highness the Duke of York.

FINIS.